

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

NINA L DONEHUE,

Defendant.

CR-07-00414 SI

**STIPULATION AND [PROPOSED]
ORDER CONTINUING
EVIDENTIARY HEARING AND
EXCLUDING TIME UNDER THE
SPEEDY TRIAL ACT, 18 U.S.C. §
3161 ET SEQ.**

It is stipulated by and between Assistant U.S. Attorney Erika Frick and Ms. Donehue, through her counsel, Assistant Federal Public Defender Shawn Halbert, that the status/trial setting date scheduled for September 7, 2007, shall be continued to September 28, 2007 at 11:00 a.m., in light of defense counsel's unavailability on September 7, 2007, and defense counsel's need for additional time for preparation of the case. Ms. Donehue is out of custody.

Taking into account the exercise of due diligence, the parties stipulate and agree to exclude time between September 7, 2007 and September 28, 2007 under 18 U.S.C. §§3161(h)(1)(F), (h)(8)(A) and (B)(iv) because the ends of justice served by the continuance requested, for effective

1 preparation of counsel and continuity of defense counsel, outweigh the best interests of the public
2 and the defendant in a speedy trial.

3 DATED: September 6, 2007

4 _____/S/_____
5 ERIKA FRICK
6 Assistant United States Attorney

7
8 DATED: September 6, 2007

9 _____/S/_____
10 SHAWN HALBERT
11 Assistant Federal Public Defender

ORDER

Based on the reasons provided in the stipulation of the parties above in *United States v. Nina Donehue*, No. CR-07-00414 SI, the Court hereby FINDS:

The ends of justice served by continuing the status/trial setting date outweigh the best interests of the public and the defendant in a speedy and public trial because additional time is needed for effective preparation of both counsel and for continuity of defense counsel for the reasons stated above in the parties' stipulation.

Based on these findings, IT IS HEREBY ORDERED that the status/trial setting date scheduled for September 7, 2007 at 11:00 a.m. shall be continued to September 28, 2007 at 11:00 a.m.

IT IS FURTHER ORDERED that time will be excluded under the Speedy Trial Act, 18 U.S.C. §§3161(h)(1)(F), (h)(8)(A) and (B)(iv), from September 7, 2007 to September 28, 2007 because the ends of justice served by the continuance requested, for effective preparation of counsel and continuity of defense counsel, outweigh the best interests of the public and the defendant in a speedy trial.

IT IS SO ORDERED.

DATED: September __, 2007

SUSAN ILLSTON
United States District Judge